



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Craig W. Butler, Director

March 31, 2017

CERTIFIED MAIL

Mr. Jim Swift, Plant Manager
Johns Manville
925 Carpenter Road
Defiance, Ohio 43512

**Re: Johns Manville
Notice of Violation (NOV)
Air Permit
Defiance County
0320010005**

Division of Air Pollution Control

Subject: Notice of Violation

Dear Mr. Swift:

As you are aware, Ohio EPA conducted a compliance inspection of Johns Manville, Plant #2 and #8, in Defiance, Ohio on March 15, 2017. The goal of my inspection was to determine the facility's compliance with Ohio's Division of Air Pollution Control's laws as found in Chapter 3704 of the Ohio Revised Code (ORC) and Chapter 3745 of the Ohio Administrative Code (OAC) and the terms and conditions of Johns Manville's Title V permit issued on May 11, 2015 (effective date of June 1, 2015). My inspection included a review of company operations and written documentation associated with facility operations.

Findings

Ohio EPA observed the following violations of Ohio's ORC Chapter 3704; OAC Chapter 3745; 40 CFR, Part 64 and Johns Manville's permit terms and conditions. In order to bring your facility into compliance, we recommend promptly addressing these violations within 30 days of your receipt of this letter.

1. **ORC chapter 3704.05(C):** *"No person who is the holder of a permit issued under division (F) or (G) of section 3704.03 of the Revised Code shall violate any of its terms or conditions."*

40 CFR, Part 64: *"General applicability. Except for backup utility units that are exempt under paragraph (b)(2) of this section, the requirements of this part shall apply to a pollutant-specific emissions unit at a major source that is required to obtain a part 70 or 71 permit if the unit satisfies all of the following criteria:*

(1) The unit is subject to an emission limitation or standard for the applicable regulated air pollutant (or a surrogate thereof), other than an emission limitation or standard that is exempt under paragraph (b)(1) of this section;

(2) The unit uses a control device to achieve compliance with any such emission limitation or standard; and

(3) The unit has potential pre-control device emissions of the applicable regulated air pollutant that are equal to or greater than 100 percent of the amount, in tons per year, required for a source to be classified as a major source. For purposes of this paragraph, "potential pre-control device emissions" shall have the same meaning as "potential to emit," as defined in §64.1, except that emission reductions achieved by the applicable control device shall not be taken into account."

2. Title V Permit P0117221, Term B.4.: *"Pursuant to 40 CFR, Part 64, the permittee has submitted, and the Ohio EPA has approved a compliance assurance monitoring plan for emissions units P066, P069, P072, P075, P076, P078, P079, P081, P082 and P084 at this facility. The permittee shall comply with the provisions of the plan during any operation of the aforementioned emissions units."*

3. Title V Permit P0117221, Terms 9.d)(2)e. and 30.d)(2)e.: *"Scrubber Water Flow Rate Indicator Range: In order to maintain compliance with the applicable emission limitation(s) contained in this permit, the acceptable range for the scrubber liquid flow rate, that shall be maintained in order to demonstrate compliance, shall be between 285 to 315 gallons per minute."*

(a) The facility failed to maintain the scrubber liquid flow rate between 285 to 315 gallons per minute from June 1, 2015 to March 15, 2017 for the following emissions units:

- i. P076 – forming and collection unit 805;
- ii. P079 – forming and collection unit 806; and
- iii. P082 – forming and collection unit 807.

(b) Johns Manville environmental staff informed the Division of Air Pollution Control during the March 15, 2017, inspection that the Title V permit was issued without inserting the proper scrubber liquid flow rate from the most recent stack test, which is maintaining the flow rate at or greater than a value of 250 gallons per minute. This discrepancy was discovered by the company on March 14, 2017 prior to inspection staff from DAPC arriving.

(c) Requested action: Within 30 days of receipt of this letter, Johns Manville shall submit a compliance plan to Ohio EPA which will address how the facility will address the violations identified above.

4. **OAC rule 3745-77-07(A)(3)(iii) and (iv):** *"...each permit shall require prompt reporting of deviations from federally enforceable permit requirements... the probable cause of such deviations, and any corrective actions or preventative measures taken."*

"Unless otherwise specified in the specific permit terms and conditions for an emissions unit, prompt reporting for the purpose of this rule shall be quarterly for all deviations from emission limitations, operational restrictions, and control device operating parameter limitations..."

Title V Permit P0117221, Terms 9.e)(1)a. and 30.e)(1)a.: *"The permittee shall submit quarterly reports that identify the following information concerning the operation of the control equipment during the operation of this emissions unit: each period of time (start time and date, and end time and date) when the pressure drop across the scrubber and/or the liquid flow rate was/were outside of the appropriate range or exceeded the applicable limit contained in this permit."*

- (a) The facility failed to submit deviation reports for the scrubber liquid flow rate violations for all calendar quarters from third quarter 2015 through fourth quarter 2016 (six reports total) and failed to note in the 2015 Annual Title V Compliance Certification that these violations occurred.
- (b) Requested action: Within 30 days of receipt of this letter, Johns Manville shall submit the following reports in Air Services to show the scrubber liquid flow violations for emissions units P076, P079 and P082:
- i. Amended quarterly Title V deviation reports for third quarter 2015, fourth quarter 2015, first quarter 2016, second quarter 2016, third quarter 2016 and fourth quarter 2016 showing the scrubber liquid flow rate violations; and
 - ii. Amended 2015 Annual Title V Compliance Certification.

Conclusion

The Ohio EPA requests that Johns Manville promptly undertake the necessary measures to return to compliance with Ohio's environmental laws and regulations.

Mr. Jim Swift, Plant Manager
March 31, 2017
Page 4

Within 30 days of receipt of this letter, please provide, to Ohio EPA, the documentation requested above. If you have already resolved the violations listed above thank you, and please provide documentation supporting compliance. Documentation of steps taken to return to compliance includes written correspondence, updated policies, and photographs, as appropriate.

Failure to comply with Chapter 3704 of the Ohio Revised Code and rules promulgated thereunder may result in an administrative or civil penalty. If circumstances delay resolution of violations, Johns Manville is requested to submit written correspondence describing the steps that will be taken by date certain to attain compliance.

Please note that the submission of any requested information to respond to this letter does not constitute waiver of the Ohio EPA's authority to seek administrative or civil penalties as provided in Section 3704.06 of the Ohio Revised Code.

Thank you for your time and cooperation and if you have any questions, please do not hesitate to contact me by phone at (419) 373-3128 or by email at jeffrey.skebba@epa.ohio.gov.

Sincerely,



Jeffrey Skebba
Division of Air Pollution Control
Northwest District Office

/zss

Certified Mail Receipt Number: 7012 2920 0000 9000 3489

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